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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18 DON COPELAND, et al., on behalf of
19 themselves and those similarly situated,

20 Plaintiffs,

21 vs.

22 ENERGIZER HOLDINGS, INC., et al.,

23 Defendants.

24 Case No: 4:23-cv-02087-HSG

25 **DECLARATION OF DANIEL H. SILVERMAN**
26 **IN SUPPORT OF PLAINTIFFS' MOTION TO**
27 **APPOINT INTERIM LEAD CLASS COUNSEL**
28 **PURSUANT TO FED. R. CIV. P. 23(G)**

1 I, DANIEL H. SILVERMAN, declare as follows:

2 1. I am a Partner at Cohen Milstein Sellers & Toll, PLLC. I am admitted to practice law
3 in the District of Columbia and in Massachusetts. I was granted *pro hac vice* admission in this matter
4 on May 26, 2023. Based on personal knowledge or discussions with counsel in my firm of the matters
5 stated herein, if called upon, I could and would competently testify thereto. I submit this declaration
6 in support of Plaintiffs' Motion to Appoint Interim Lead Class Counsel Pursuant to Fed. R. Civ. P.
7 23(g).

8 2. Cohen Milstein has worked in tandem with Schneider Wallace Cottrell Konecky LLP,
9 Berger Montague PC, and Gibbs Law Group LLP to investigate and develop the factual allegations
10 relevant to this action.

11 3. If appointed as Interim Lead Class Counsel, Cohen Milstein will ensure that this
12 complex litigation proceeds in an efficient manner. Appointment of leadership for the proposed class
13 will permit plaintiffs' counsel to work with counsel for defendants on basic case management issues,
14 such as the negotiation of pretrial orders, and to structure and streamline communication with the
15 Court on behalf of the plaintiffs and the class they seek to represent.

16 4. The Cohen Milstein Firm Brochure, which includes biographical information
17 concerning members of the Cohen Milstein team—Daniel H. Silverman, Alison S. Deich, Richard A.
18 Koffman, and Leonardo Chingcuanco—is attached as Exhibit A.

19 5. On information and belief, MSH Partner Sarah Grossman-Swenson has represented
20 employees, consumers, and employee benefit funds in a variety of cases, including antitrust class
21 actions, discrimination cases, consumer rights cases, and employee class actions. She has served as
22 counsel in trial and appellate courts and in numerous private arbitrations. *Northern California Super*
23 *Lawyers* has selected her as a “Super Lawyer” each year since 2020, and as a “Rising Star” in each
24 year from 2013-2018. Along with co-counsel, she was awarded a California Lawyer Attorney of the
25 Year (CLAY) Award in 2022 by the *Daily Journal* for work in *UFCW & Employers Benefit Trust v.*
26 *Sutter Health*, S.F. Superior Court Case No. CGC-14-538451, 241 Cal. App. 4th 909 (2015). She has
27 served as trial and appellate counsel in a variety of other cases, including *City of Oakland v. Oakland*
28 *Police & Fire Retirement System*, 224 Cal. App. 4th 210 (Cal. Ct. App. 2014) & 29 Cal. App. 5th 688

1 (Cal. Ct. App. 2018); *Gruma Corp. v. United Food & Commercial Workers Union, Local 99*, 472 Fed.
2 Appx. 644 (9th Cir. 2012); *Ellis v. Costco Wholesale Corp.*, 240 F.R.D. 627 (N.D. Cal. 2007), 657
3 F.3d 970 (9th Cir. 2011), No. C04-3341 EMC, 2014 WL 12651574 (N.D. Cal. May 27, 2014)
4 (resulting in a court-approved class action settlement); and *Dukes v. Wal-Mart Stores, Inc.*, No. 3:01-
5 CV-02252-CRB, 2015 WL 3623481 (N.D. Cal. June 10, 2015) (resulting in a confidential settlement).
6 Grossman-Swenson was admitted to practice in California in 2008 after graduating earlier that year
7 from University of California at Berkeley, School of Law, where she was a Co-Editor-in-Chief of the
8 *Berkeley Journal of Employment and Labor Law*. She is a 2001 graduate of Stanford University, where
9 she received an A.B. degree in History and was a President's Scholar and National Merit Scholar.

10 I declare under penalty of perjury of the laws of the United States that the foregoing is true and
11 correct.

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13 Dated: June 9, 2023

/s/ Daniel H. Silverman

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Daniel H. Silverman

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